

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.85 relating to Department Advisory Committees to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §1.85 are adopted and are authorized for filing with the Office of Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Recommended by:

DocuSigned by:



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Director, Public Transportation Division

DocuSigned by:



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Executive Director

115946 Feb. 25 2021

Minute
Number

Date
Passed

Adoption Preamble

The Texas Department of Transportation (department) adopts amendments to §1.85, concerning Department Advisory Committees. The amendments to §1.85 are adopted without changes to the proposed text as published in the December 25, 2020 issue of the Texas Register (45 TexReg 9400) will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The Texas Transportation Commission (commission) charged the TxDOT Bicycle Advisory Committee (BAC) with reviewing and making recommendations on "...expanding the charge of the committee to address a wider range of related transportation service options, including pedestrian options and personal mobility devices ..." through Minute Order 115565 - August 29, 2019.

The BAC discussed both the complementary elements and unique differences between the bicycle, pedestrian, and personal mobility modes including their function, funding, use of infrastructure, and representation. After careful deliberation, the BAC determined that including representatives of and discussion on these additional modes during committee efforts would lead to a better understanding of issues and more balanced, inclusive recommendations for all modes.

The commission is amending §1.85, Department Advisory Committees, to expand the scope of the BAC to include pedestrian issues and the consideration of personal mobility devices, which

1 are also referred to as micromobility devices, as they relate to
2 bicycle and pedestrian issues. Currently, no TxDOT advisory
3 committee is specifically charged with considering pedestrians
4 or personal mobility devices. Additionally, revisions to the
5 BAC's duties are proposed to provide committee input on the
6 current federal bicycle and pedestrian infrastructure funding
7 program.

8
9 Amendments to §1.85 (a)(3), Bicycle Advisory Committee, make
10 various changes to the paragraph.

11
12 Subparagraph (A), Purpose, is amended to change the committee's
13 name to Bicycle and Pedestrian Advisory Committee, to add
14 pedestrians' issues as part of the committee's purpose, and to
15 change the name of the funding program to reflect the current
16 federal bicycle and pedestrian infrastructure funding source.

17
18 Amendments to subparagraph (B), Duties, make various changes to
19 organization and content of the current subparagraph. Clauses
20 (i) and (iii) are interchanged. The content of former clause
21 (iii), which is now clause (i), is amended to include
22 pedestrians' issues. Clause (ii) is amended to reflect the
23 current federal bicycle and pedestrian infrastructure funding
24 program. Clause (iii) is former clause (i) with no change to
25 its substance. Clause (iv) is new and adds the duty to review
26 and consider how personal mobility devices relate to bicycling
27 and pedestrian issues and to other road users.

1

2 A new subparagraph (C), Committee membership composition, is
3 added to provide guidelines for the composition of the
4 committee's membership reflecting a diverse mix of bicycle and
5 pedestrian stakeholders, including stakeholders representing the
6 interest of persons with disabilities, and people knowledgeable
7 about personal mobility device issues.

8

9 Current subparagraph (C), Manner of reporting, is redesignated
10 as subparagraph (D) and amended to reflect the current federal
11 bicycle and pedestrian infrastructure funding program.

12

13 COMMENTS

14 No comments on the proposed amendments were received.

15

16 STATUTORY AUTHORITY

17 The amendments are adopted under Transportation Code, §201.101,
18 which provides the Texas Transportation Commission (commission)
19 with the authority to establish rules for the conduct of the
20 work of the department, and more specifically, Transportation
21 Code, §201.117, which provides the commission with the authority
22 to establish advisory committees.

23

24 CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

25 Transportation Code, §201.117.

SUBCHAPTER F. ADVISORY COMMITTEES

§1.85. Department Advisory Committees.

(a) Creation.

(1) Project advisory committees.

(A) Purpose. The executive director may authorize a district engineer to create, by written order, an ad hoc project advisory committee composed of the following members as may be deemed appropriate by the district engineer: department staff; affected property owners and business establishments; technical experts; professional consultants representing the department; and representatives of local governmental entities, the general public, chambers of commerce, and the environmental community. A project advisory committee shall serve the purpose of facilitating, evaluating, and achieving support and consensus from the affected community and governmental entities in the initial stages of a transportation project. Advice and recommendations of a committee provide the department with an enhanced understanding of public, business, and private concerns about a project from the development phase through the implementation phase, thus facilitating the department's communications and traffic management objectives, resulting in a greater cooperation between the department and all affected parties during project development and construction.

(B) Duties. A project advisory committee shall:

1 (i) maintain community and local government
2 communication; and

3 (ii) respond in a timely fashion to affected
4 parties' concerns about project development and construction.

5 (C) Manner of reporting. A project advisory
6 committee shall report its advice and recommendations to the
7 district engineer.

8 (D) Duration. A project advisory committee may
9 be abolished at any stage of project development, but in no
10 event may a committee continue beyond completion of the project.

11 (2) Rulemaking advisory committees.

12 (A) Purpose. The commission, by order, may
13 create ad hoc rulemaking advisory committees pursuant to
14 Government Code, Chapter 2001, §2001.031, for the purpose of
15 receiving advice from experts, interested persons, or the
16 general public with respect to contemplated rulemaking.

17 (B) Duties. A rulemaking advisory committee
18 shall provide advice and recommendations with respect to a
19 specific contemplated rulemaking.

20 (C) Manner of reporting. A rulemaking advisory
21 committee shall report its advice and recommendations to the
22 division responsible for the development of the rules.

23 (D) Duration. A rulemaking committee shall be
24 abolished upon final adoption of rules by the commission.

25 (3) Bicycle and Pedestrian Advisory Committee.

1 (A) Purpose. The purpose of the Bicycle and
2 Pedestrian Advisory Committee is to advise the commission on
3 bicycle and pedestrian issues. The committee will also advise
4 the commission on [and] matters related to the Transportation
5 Alternatives [Safe Routes to School] Program. By involving
6 representatives of the public, including bicyclists,
7 pedestrians, and other interested parties, the department helps
8 ensure effective communication with the bicycle and pedestrian
9 communities [community], and that the bicyclist's and
10 pedestrian's perspectives [perspective] will be considered in
11 the development of departmental policies affecting bicycle use
12 and pedestrian activity, including the design, construction, and
13 maintenance of highways. [~~The committee will also provide~~
14 ~~recommendations to the department on the Safe Routes to School~~
15 ~~Program].~~

16 (B) Duties. The committee shall:

17 (i) review and make recommendations on items
18 of mutual concern between the department and the bicycling and
19 pedestrian communities[~~in accordance with Transportation Code,~~
20 ~~§201.9025, advise and make recommendations to the commission on~~
21 ~~the development of bicycle tourism trails];~~

22 (ii) provide recommendations on the
23 selection criteria for project applications for funding [of
24 projects] under Chapter 11 [25], Subchapter G [F] of this title
25 (relating to Transportation Alternatives Set-Aside [Safe Routes
26 to School] Program); [~~and]~~

(iii) in accordance with Transportation Code, §201.9025, advise and make recommendations to the commission on the development of bicycle tourism trails; and~~[review and make recommendations on items of mutual concern between the department and the bicycling community]~~

(iv) review and consider how personal mobility, or micromobility, devices relate to bicycling and pedestrian issues and to other road users.

(C) Committee membership composition. Committee membership will reflect a diverse mix of bicycle and pedestrian stakeholders, including stakeholders representing the interests of persons with disabilities, and people knowledgeable about micromobility issues.

(D) ~~[(C)]~~ Manner of reporting. The committee shall report its advice and recommendations to the commission, except for matters relating to the Transportation Alternatives ~~[Safe Routes to School]~~ Program. Under the Transportation Alternatives ~~[Safe Routes to School]~~ Program, the committee shall report ~~[reports]~~ its recommendations to the director of the division responsible for administering the program.

(4) Freight Advisory Committee.

(A) Purpose. The purpose of the Freight Advisory Committee is to serve as a forum for discussion regarding transportation decisions affecting freight mobility and promote the sharing of information between the private and public sectors on freight issues. The committee's advice and

1 recommendations will provide the department with a broad
2 perspective regarding freight transportation matters and assist
3 in identifying potential freight transportation facilities that
4 are critical to the state's economic growth and global
5 competitiveness.

6 (B) Duties. The committee shall:

7 (i) provide advice regarding freight-related
8 priorities, issues, projects and funding needs;

9 (ii) make recommendations regarding the
10 creation of statewide freight transportation policies and
11 performance measures;

12 (iii) make recommendations regarding the
13 development of a comprehensive and multimodal statewide freight
14 transportation plan; and

15 (iv) communicate and coordinate regional
16 priorities with other organizations as requested by the
17 department.

18 (C) Manner of reporting. The committee shall
19 report its advice and recommendations to the executive director
20 or a department employee designated by the executive director
21 and shall make reports to the commission as requested.

22 (b) Operating procedures.

23 (1) Membership. Except as otherwise specified in this
24 section, an advisory committee shall be composed of not more
25 than 24 members to be appointed by the division or official to
26 whom the committee is to report. When applicable to the purpose

1 and duties of the committee, the membership shall provide a
2 balanced representation between:

3 (A) industries or occupations regulated or
4 directly affected by the department; and

5 (B) consumers of services provided either by the
6 department or by industries or occupations regulated by the
7 department.

8 (2) Meetings.

9 (A) An advisory committee shall meet once a
10 calendar year and at such other times as requested by the
11 division to which it reports.

12 (B) A majority of the membership of an advisory
13 committee constitutes a quorum. A committee may take formal
14 action only by majority vote of its membership.

15 (3) Officers. Each committee shall elect a chair and
16 vice-chair by majority vote of the members of the committee.

17 (c) Reimbursement. The department may, if authorized by
18 law and the executive director, reimburse a member of a
19 committee for reasonable and necessary travel expenses. Current
20 rules and laws governing reimbursement of expenses for state
21 employees shall govern reimbursement of expenses for advisory
22 committee members.